



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF

DEC 11 1997

Regulatory Division

Mr. Thomas C. Palmer
Assistant County Attorney
Collier County
3301 Tamiami Trail East
Naples, Florida 34112-4902

Dear Mr. Palmer:

Reference is made to your letter dated November 12, 1997, regarding the Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS) for Southwest Florida.

During your telephone conversation with Mr. Bob Barron of our office, you noted that your letter was prepared independently of the one by Commissioner Timothy L. Hancock of November 7, 1997, which requested a response to 46 questions. In the following responses to your letter, we will refer to our reply letter to Commissioner Hancock, dated November 21, 1997.

Your first question asks for the document or documents whereby the Corps of Engineers made its decision to prepare the Environmental Impact Statement. The regulations implementing the National Environmental Policy Act (NEPA) provide that in the circumstances we are under, an Environmental Assessment is not appropriate and the agency should proceed directly to commence the EIS scoping process. The scoping process will start with the formal announcement in the Federal Register.

Your second question asks for a copy of the Federal Register notice. That has not yet been published.

Your third question asks about whether two of the tenets (at paragraphs 1.6 and 1.16) of the draft MOU will expand the geographic range of the EIS as described by the tenet at paragraph 1.2. This question resembles question number 28 of Commissioner Hancock's letter by asking the Corps to define the geographic area. As described in our reply, the geographic area can only be defined at the completion of the scoping process required by our regulations. The decision on the scope will consider these three tenets together with all other comments received.

Your fourth question asks whether the primary purpose of the EIS is to facilitate the permitting process and, if yes, whether any fact-finding necessitates going outside of the defined area. The purpose of the EIS is to satisfy the requirements of our regulations for the permit decision process. Please also refer to the discussions of our authorities to prepare an EIS in our letter to Commissioner Hancock. In any case, the nature and extent of fact-finding will be based on the issues defined by the scoping process and through the needs defined by those participating in the preparation of the EIS.

Your last question asked what agency action(s) are driving the EIS. This is discussed in the replies found in our letter to Commissioner Hancock.

If you have any questions, feel free to contact Mr. Bob Barron at the letterhead address or by telephone at 904-232-2203.

Sincerely,

A handwritten signature in dark ink, appearing to be 'HKS' or similar, written over the typed name.

Hanley K. Smith
Acting Chief, Regulatory Division